

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

JOHN LARRY SANDERS and SPECIALTY  
FERTILIZER PRODUCTS, LLC,

Plaintiffs/Counterclaim  
Defendants,

v.

THE MOSAIC COMPANY, CARGILL,  
INC., and CARGILL FERTILIZER, INC.,

Defendants/Counterclaim  
Plaintiffs.

Case No. 4:09-cv-00016-JTM

**EXPEDITED RELIEF REQUESTED**

**PLAINTIFFS' MOTION FOR AN EXTENSION OF TIME  
TO OPPOSE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT OF INVALIDITY  
(EXPEDITED RELIEF REQUESTED)**

Plaintiffs (collectively "SFP") move this Court for an extension of time to respond to Defendants' Motion for Summary Judgment of Invalidity. In support of this motion, SFP states the following:

1. Defendants filed their Motion for Summary Judgment of Invalidity on November 1, 2011. (See Doc. No. 123). Accordingly, SFP's opposition to that motion is presently due on November 25, 2011. L.R. 56.1(b); Fed. R. Civ. P. 6(d).

2. SFP has moved to strike Defendants' summary judgment motion. (Doc. No. 127). That motion is based on the procedural posture of this case being administratively closed with no scheduling order authorizing either dispositive motions or the resumption of discovery. Requiring SFP to respond to the motion for summary judgment will be prejudicial to SFP for the reasons stated in that co-pending motion. Thus, until the Court rules on SFP's Motion to Strike, SFP should be relieved of its obligation to oppose Defendants' summary judgment motion by the present

deadline. Therefore, SFP requests an extension of time of two weeks from the date the Court issues and order on SFP's Motion to Strike in which to oppose Defendants' Motion for Summary Judgment

3. Alternatively, in the event the Court is not inclined to grant SFP the extension requested above, SFP requests an extension of time of two weeks, until December 9, 2011, to oppose Defendants' Motion for Summary Judgment. A two week extension is necessary to permit SFP to adequately prepare its opposition to Defendants' motion because SFP's opposition is presently due the day after Thanksgiving and approximately contemporaneously with SFP's non-extendable response date to the Patent Office in the pending *ex parte* reexamination.

4. Plaintiff has not previously sought any extension of time for opposing Defendants' summary judgment motion.

Wherefore, SFP respectfully requests that the Court grant SFP an extension of time to oppose Defendants' Motion for Summary Judgment.

Dated: November 11, 2011

Respectfully Submitted,

s/Scott R. Brown

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 11<sup>th</sup> day of November, 2011, the foregoing was filed electronically with the Clerk of the Court via the CM/ECF system, which sent notification of such filing to the following:

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